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**SUPERIOR COURT
QUEBEC**

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**RE-OPENING
OF THE COURTS
1913**

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**ADDRESS BY
HONORABLE CHIEF-JUSTICE
LEMIEUX**

**QUEBEC:
The Telegraph Printing Co.
1913**

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**Q Address Delivered by
the Honorable Chief-Justice
LEMIEUX, at the Re-Opening
of the Courts of Justice, at
Quebec, in September, 1913**

THE re-opening of the Courts of Justice in the Ancient Capital took place on the 10th of September, 1913, with particular eclat.

The Mass of the Holy Ghost, an old French custom which was revived by the Bar, in 1896, at the time of the visit in Quebec of Lord Russell of Killowen, Chief Justice of England, was celebrated at the Seminary by Mgr Gosselin, Rector of Laval University.

The Governor of the Province, the Bench and the Bar attended.

After Mass took place the formal ceremony of solemnly re-opening the Courts, amongst a throng of judges and advocates.

The Court House had been properly decorated for the occasion.

Sir Frs. Langelier, Governor of the Province, was present. On the bench sat the Honorable Chief-Justice Lemieux with Honorable Justices Cimon, Malouin, Cannon, McCorkill, Roy, Dorion and Belleau.

The Batonnier, Eusèbe Belleau, Esq., K.C., was surrounded by the Council of the Bar.

The Court officials all neatly robed stood at their respective posts.

After the usual proclamation prefixed with the traditional "Oyez! Oyez!" had been recited by the Crier, the Chief-Justice notified the Batonnier that the Court would HEAR him.

Mr. Belleau was equal to the occasion and addressed the Court with great eloquence, concluding his speech by presenting to the Bench and Bar the advocates admitted to the profession during the past judicial year.

Then came the Chief Justice with the following address :—

Mr. Lieutenant-Governor, Mr. Batonnier, Gentlemen Members of the Bar :

The judicial year which terminated in June last has been an active and fruitful one. However, we can boast that the administration of justice has not lagged.

It is by no means uncommon to see, in our district, a case adjudged upon within one month after its inception and the average delay to obtain judgment is between three to four months after the issue of the writ. Cases have often been known to go through the several jurisdictions of the Province inside of one year.

We are making that statement as an answer to those who are so unjustly complaining about the so-called dilly-dallyings of justice.

We are informed that during the

present year there will be an increase of litigation.

That such be the case is not to be wondered at. The sway of business is prevalent; industrial, commercial and financial enterprises have reached such great development that the litigation arising therefrom is bound to create an increase of work for our courts of justice.

Under such conditions, the justice-seekers of this district and the Bar must not be surprised should all the contentious matters not be expedited as promptly as in the past. The Bar may be called upon, sooner than later, to agitate the question of increasing the number of judges at Quebec.

Whatever relief may be forthcoming from that source, we hope that efficient justice shall be dealt to everybody according to the laws of this country, in an impartial manner, in the sight of the Supreme Judge, without overmuch pity for the poor nor overmuch regard for the rich. Such

result we hope to achieve through the enlightened zeal and, I will add very pleasingly, through the deep sentiment of duty of my learned colleagues. We rely, moreover, on the faithful co-operation of all the members of the Bar who owe homage to Justice, Right and Equity.

Needless to say that such previsions are based, to a large extent, upon the usual diligence of the officers of justice to whom we regret to have no other means of expressing our appreciation for their past services than to tell them, in open public, that they are efficient officers, bearing courageously the difficult and often untenable position in which they are placed by the insufficiency of their salary, which does not permit them to cope with the exigencies of life, which have increased appallingly in the last few years.

We earnestly commend them to the mercy of Sir Lomer Gouin, the Attorney-General, who has too much charity to ignore their plight.

Allow me now to broach another subject.

The Quebec Bar has been particularly happy in the choice of its Batonniers.

In the case of the present incumbent, the honor was not vested upon him merely in recognition of his talent; it was specially conferred as a token of esteem to an advocate kind and courteous towards his confreres and the magistracy.

Such a happy disposition in Mr. Batonnier warrants hearty and fraternal relations between the Bench and the Bar, as the two bodies owe each other respect, esteem and confidence.

The office of Batonnier is not a vain-glorious appellation, a pompous and empty title; it is the honorable mandate to represent the Bar in all occasions ordinary or official of judicial life. In that respect, the Batonnier plays, so to speak, the rôle of Grand Master of the Palace or Temple of Justice.

To the Batonnier more than to any-

body else befalls the obligation to preserve and perpetuate the venerable traditions of the Bar which, like all institutions with a past, lives of traditions which constitute the golden legend of their ancient history.

Your title, Mr. Batonnier, vests you with the authority to stimulate or maintain in your confreres the interest which they must nourish for the several incidents, meetings, lectures, festivals, etc., which lend life and consistency to the professional body and which preserve those sentiments of friendliness and confraternity and more specially that family-like kindness and affection which constitute a great solace in judicial life.

The Quebec Bar, the oldest in America, and, at one time, the most important, has a duty to perform; it behooves its pride and its dignity to maintain an enviable status among the several Bars of this country.

I have not yet fortunately reached that period of life when one dotes on

the idea that the sun of to-day is not as bright as the sun of years ago.

We sincerely believe that the present Bar has not declined any and that, taken all in all, the advocates of the present day could favorably stand the comparison with their predecessors, as well for application and knowledge as for honesty.

The talents are varied, ingenious, abundant at the Bar, so much so that your body is not impoverished, although the magistracy, the high offices of the State and politics are daily borrowing some of its most worthy members.

But is the spirit of solidarity which lends so much strength to your body quite alive?

I will refrain from venturing an opinion, leaving it to you, Mr. Batonnier, with your usual tact, as also to you Gentlemen of the Bar, with your professional ambition, to answer and dispel whatever doubts may have crept concerning the matter.

Recently, during the convention or rather the solemn deliberations of the American Bar, held in Montreal, I have been deeply impressed with the experience of what good will, sound judgment, a wise organization, union and solidarity among advocates can achieve of useful and profitable not only for the Bar and the laws, but also towards ensuring peace to society at large and contributing in no mean quota to the greatness of nations.

We do hope that the Quebec Bar will lose no opportunity and will even create some, if need be, to prove that it is alive to its great past and that it has not declined.

Mr. Batonnier :

In presenting to the Bench and Bar the new members of the profession, you have spoken words almost paternal and fraught with useful precepts.

We of the Bench also wish them a most cordial welcome at the Court House and at our sittings ; we promise

them all due protection and kindness if by kindness is meant the affability that the judge must show to the young advocates who appear before the court with dignity and evincing some evidence of work and study for the upholding of Right.

Otherwise, such kindness would be but a deplorable compliance and almost an incitement to carelessness and ignorance which have brought about for young people so much sorrow and repining.

We have often heard that the judge having a just severity and enough courage to maintain judicial discipline was more useful to the Bar and did more to ensure respect for justice than the debonair and too indulgent magistrate.

It has become customary for the president of the Bench to tender some advice to the beginners in the profession.

I somewhat shun that role of counsellor so difficult to play and which oftentimes savors of presumption when

not exercised within narrow limits. That role, I can discharge with advantage in referring you to a book which, carefully read and thought upon, shall be a *vade mecum* to you and a spiritual and moral guide throughout your career or rather your apostolate to extricate Truth from the meshes of petty human interests.

That book, which is in the Bar Library and ought to be on the most apparent shelf, although centuries old, is always in repute. It was written for advocates by d'Aguesseau, the High Chancellor of France, that illustrious jurist ever young in glory and immortality. In that book you will find ideas and principles which appear to have been practised by the great legal lights of antiquity, Demosthenes, Hortensius, Cicero, etc., and since then by all men learned in law who have laid the success of their future in the purity of conscience, the force of character, integrity and devotion to duty.

We are not asking you to meditate

upon or practise each and every of the great maxims propounded in that book. No, that would be aiming at perfection which is not of this world. Follow and practice a single one of those maxims and we assure you that in ten years you will have won the solid reputation of a good advocate.

Since I am leaving to others the task of adviser, allow me, my young friends, to request you to read, once and again, the capital speech of Lord Haldane, High Chancellor of England, before the American Bar.

That speech is more than a masterpiece, it is a page added to those written by Coke, Mansfield, Lamoignon, d'Aguesseau, those great thinkers of the Bar.

That speech is the most perfect synthesis of the history of the Bar, of the fruitful mission of the advocate, of his useful role in society at large, as well as in public life.

It has been our good fortune to hear that speech which left us, as well as

the 1500 lawyers present, under an inexpressible spell of delight and of voluptuous pride, as it was an advocate, one of our own, who, wielding the truth and logic of history, was casting such lustre and splendour on the Bar, in the eyes not only of America, but, I dare say, of the whole universe.

It would almost be taking part in that great meeting of the American Bar to print and distribute to all the members of the Bar and to those interested in things judicial the speech of the High Chancellor of England.

My young friends, if I did not fear being accused of indifference towards you, in telling you nothing personal, I would end here. We will therefore offer you some advice suggested by upwards of forty years of judicial life, as also by the interest elicited by the young man about to appear before the Court, that great theatre whereon are enacted so many dramas replete with interest and often with emotion.

What will I say that may be

of profit to you for the practice of law?

Believe us, success in the practice of law resides mainly in the knowledge of the rules of procedure which unfortunately, and I say so without reproach, are too often ignored.

The fact can be easily explained: Some thirty years ago an advocate's clerk was a very important person in a law office. Nowadays, in most cases, he is preferred a young lady stenographer and typist. Formerly, the law student was the great copyist of proceedings; he would verify them, hand them to the baliff and then fyle them in the several courts. It is he who made all the moves in connection with the proceedings. In that way, the student had occasion to follow the progress of a case, to which he finally became interested. Such work was almost mercenary, but it had the effect to produce practitioners skilled, wide-awake and able to sustain the legal combat.

We therefore strongly advise you to be very careful in drafting your proceedings and to give attention not only to the facts themselves, but to the very wording.

A Paris batonnier would strengthen that advice by giving it a more poetical turn: those who appear before the Court without having been attorney's clerks are alike those precocious trees which fail to bear fruit for having hastened to bloom before frost set in.

Another piece of advice: you will have an office; it is the dream of every student. At first, that dream once realized often loses some of its charms. Clients are not always plentiful and you may have to wait long and tedious hours. Do you want to modify that state of affairs to a certain extent? Furnish and adorn, as best you can, your office, hang on the walls portraits of a few great legal characters whom you may chose as models, buy some choice law books, a few dictionaries, a good encyclopedia, etc. It is not neces-

sary that your library be extensive. In olden times, people used to say that they feared the man of one single book, by which they meant that the man is powerful in energy and concentration of thought who devotes himself to one subject.

Let not your office be a resort for loafers and do-nothings who would not fail to make it a smoking-room. It is the safest manner to drive away clients.

On the other hand, you are entitled to a joyful youth. Laughter and merriment are of your age, but let not your amusements be vulgar or dissolute. To give them a higher character, make some true and faithful friends, able should occasion arise, to curb your passions and to be of moral help to you in painful circumstances. Life is not life if one can no longer trust to the affection of a friend. The friends of our youth, we know whereof we speak, are never forgotten; there

always remains some sympathy and some mutual kindness.

I borrow authority from the great master of speech to give you another piece of advice which, otherwise, might seem almost prosaic and even trivial. Practice economy, live according to your means. "There are
" in economy, says Cicero, treasures
" of peace and quietude. Beware of
" debts which cause the *res angusta*
" *domi*, those embarrassing money
" questions and financial straits which
" often paralyse the best of good wills
" and the stoutest of hearts. It is
" better, concludes the orator of aiti-
" quity, to command to nobody rather
" than be the slave of a few credit-
" ors."

That advice assuredly applies to those who start in life without any help, fortune or influence and whose only strength is the enthusiasm and vigor in their avocation.

A last remark which includes all others and which may seem superflu-

ous so obvious it is. I refer to work which is the price of all success and, I may add, of all happiness. A great queen, recently, repeated in her own words the trite saying that there is but one happiness—duty, and but one consolation—work.

Work while you are young. A great saint once said that our youth moulds and fashions our old age and that we shall find in our granaries but what we have sown and cultivated during the spring. In other words, if you want to reap, be careful to sow.

We are well aware that it is difficult to work; there are so many things which conspire against study, work and application.

Of all those obstacles, none is so disastrous as politics, which deter so many young men from the study of law. Of politics beware!

One should never enter politics without sufficient preparation and a thorough knowledge of men and things of real life; otherwise, he may devote

to his country talents doubtful and faculties unripe and he is fatally destined to swell the group of politicians who are more powerful than commendable.

You would not believe the number of young advocates whose future appeared bright and promising, but who eventually foundered in politics.

Far from us the idea to deter the Bar from public life, in which it has always so conspicuously shone, and in which one learns the great science of the human heart, which is not to be found in codes or statutes. Public life also teaches the justice due to the poor and the weak.

In all countries, the advocate has looked for a larger field than law and jurisprudence, for the reason that placed by tradition and the spirit of law at the very core of all human affairs, he could control public opinion and sway the sentiments of his co-citizens.

But, my young friends, if you do enter politics, do so as citizens and pa-

tricts, be courageous and firm in your convictions and, above all, be respectful towards your opponents and the party leaders.

Allow me here to tell you of an example of respect between political opponents which I gathered at the convention of the American Bar at Montreal.

The two chief characters of that convention were one of your confreres, Mr. Taft, the ex-president of a country numbering 90,000,000 population, and the other, Mr. White, Chief Justice of the Supreme Court of Washington, who holds, in the United States, the rank that the High Chancellor, the Keeper of the King's Conscience, occupies in England, i. e., coming immediately after the head of the state.

Mr. White was born in Louisiana. I may add that he was brought up by a French-Canadian of our Eastern Townships who was his step-father. Mr. White is a Catholic. He was an active democrat and even shouldered

the gun against the soldiers of the North, at the time of the Civil War.

On the other hand, Mr. Taft is a man of the North, a Protestant and a staunch republican.

Taft and White were diametrically at variance as regards political, religious and even national sentiments.

The only bond between them was that both were advocates whose minds and hearts had been educated and chastened by the study and the science of law.

That bond was strong enough to impel Mr. Taft who, as President, had the prerogative of appointing the federal judges of the United States to choose among all the candidates a political opponent, a man belonging to the religious minority, to place him at the head of the judicial hierarchy of his great country.

And when he had to explain his choice, he made this simple answer: that it was not his fault if Providence had given to a democrat, to a man of

the South and to a Catholic, the gifts of intelligence, force of character, personal dignity and legal acumen with which he could ensure their common country a sound and healthy justice.

Is that not a great example to quote and imitate in order to do away with certain political customs?

Finally, my young friends, be good, public-spirited citizens, honor your families who have made many sacrifices for you and prepare for yourselves while you are young a good and comforting home.

Advocates, as a rule, make excellent husbands. Bachelors have never had the reputation of knowing the Statutes, the Edicts and Ordinances better than the married advocates. We grant them but one advantage: they may be more familiar, perhaps, with the "Nouvelles Coutumes de Paris."

If these my humble but very sincere remarks can be of any use to you and facilitate your judicial education, I will be very happy indeed.

An old French proverb says that the higher the station in life the more obligations it creates. The same thing may be said of advocates who number so many glorious ancestors. To preserve their memory and follow their footsteps, adopt as your motto these words of Lord Haldane : WE ARE WHAT WE WERE AND SHALL BE WHAT WE ARE !

